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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/863,254

05/24/2001

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1538.1014

9281

21171 7590 02/06/2007  
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EXAMINER

FADOK, MARK A

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/863,254	<b>Applicant(s)</b> SHINO ET AL.	
	<b>Examiner</b> Mark Fadok	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-9,11-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-9,11-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/3/06, 1/3/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 5/3/2006, which was received 11/30/2006. Acknowledgement is made to the amendment to claims 1,7 and 12, the cancellation of claims 4,6,10 and 15 and the addition of claim 19, leaving claims 1-3,5,7-9,11-14,16-19 as pending in the instant application. The cancellation of claims 4 and 15 have obviated the previous claim objection, however, the amendment and remarks were not persuasive, therefore, the previous rejection modified as necessitated by amendment follows:

### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Referring to claims 1, 2,3,5,7,8,9,11,17 and 18, these claims recite numerous conditional statements which are preceded by the word "if". These conditional statements render the claims indefinite since it is unclear to the examiner what the scope of the claims is when the conditional statements are false. The applicant should consider rewriting the claim language to avoid the use of conditional statements. Although the examiner has addressed the condition where the statements are true, the applicant should understand that the conditional statement could just as well be considered false in which case these limitations would not be considered in the analysis of the claims.

In regards to claims 1,2,3,7,8,9,12,13, and 18, the phrase "real shop" is not defined in applicant's original disclosure. For the purpose of this office action "real shop" will be understood to mean a that is not virtual, but physically exists.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 - 3, 5, 7 - 9, 11 - 14, 16 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho ("Internet based Tele-Manipulation") in view of Zweig (US 6,658,325 B2), in view of and further in view of Official Notice.**

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1,7 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Ho (“Internet based Tele-Manipulation”).**

In regards to claims 1,7,12, Ho discloses a method of selling a commodity via a network Please note that phrase “selling commodities” in the preamble is considered for examination purposes as intended use and thereby is accorded little patentable weight. For example, it is well known that robots have been used and envisioned to be used from working in mines to space exploration such as the Mars Rover, which moved about the surface and turned over rocks on command from Earth this is considered to be analogous to the tasks that would be required by a robot in a supermarket where they need to traverse an area identify objects and return them to a particular place for transport. said method comprising:

if instruction information regarding moving a selected article in at least one of a variety of positions for display and operating a camera included in a robot according to said moving is received from a user terminal, outputting to said robot, a first request for acquiring image information at this moment according to said moving of the selected

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article itself (Ho et al. teaches manipulating an object with mechanical fingers and training a movable camera on the 3-fingered hand (page 1428 and fig 2)).

said robot provided for a real shop and moving around within said real shop (para 2.4); and

transmitting to said user terminal, said image information of the selected article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera included in said robot (FIG 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2,3,5,8,9,11,13,14,16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho ("Internet based Tele-Manipulation") in view of Zweig (US 6,658,325 B2), in view of and further in view of Official Notice.**

**Regarding claim 2 and related claims 8, 13 and 17,** Ho teaches a mobile robot with the capability to pick up objects and manipulate them remotely while viewing the objects, but does not specifically mention that the mobile robot is moving towards a purchase product. Zweig teaches a method, further comprising: if information regarding a selected purchase plan commodity is received from said user terminal, outputting to

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said robot, a second request for acquiring image information for said selected purchase plan commodity; according to said second request, controlling said robot to move while taking image information until said robot reaches an exhibition position of said selected purchase plan commodity (Col 3, lines 19 – 22, Col 4, lines 4 – 7 and Col 9, lines 34 – 58); and

transmitting to said user terminal, image information for said selected purchase plan commodity, which is taken by said camera includes in said robot and image information until said robot reaches said exhibition position of said selected purchase plan commodity, to enable a user of said user terminal to see an actual state within said real shop in real time (Col 4, lines 27 – 39 and Col 9, lines 36 – 49). Please note that Zweig does not specifically disclose a purchase plan commodity nor does Ho. However, both references do disclose articles/objects. In this regard and for examination purposes, objects such as disclosed by Ho were treated as equivalent to articles, which could include commodity products. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Ho the moving toward the object as taught by Ho, because this will provide a well known means for navigating the object of interest will allow the use of one robot for multiple tasks, this saving the expense of providing multiple robots.

**Regarding claim 3 and related claims 9 and 14,** Zweig teaches a method, according to said first request, controlling said robot to change a photographing method for the selected article itself, and if a article is received from said user terminal,

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instructing said robot to convey said selected article within said real shop (Col 3, lines 18 – 22 and Col 7, lines 46 – 49 and Figures 2 - 3).

The combination of Ho and Zweig teach selecting an object and moving it to a location, but does not specifically mention that there is a purchase instruction provided. The examiner takes Official Notice that providing a purchase instruction based on a viewing of a product was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the combination of Ho and Zweig providing an indication of purchase after viewing the product over the internet, because this assure that the user is purchasing the product that really want and reduce returns.

Please note that Zweig does not specifically disclose a second controller, a third receiver. However, Zweig does disclose a controller, transmitter and receiver. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Zweig with a second and third controller as well as additional receivers, which will allow multiple robots to respond and perform various commands. In this manner, additional customers can be supported.

**Regarding claim 5 and related claims 11 and 16,** Zweig teaches a method, further comprising: if a purchase instruction of the selected article is received from said user terminal, acquiring identification information of said selected article itself; and



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transmitting said identification of said selected article to said user terminal (Col 7, lines 46 – 49 and Col 9, lines 34 – 49).

**In regards to claim 19**, the combination of Ho and Zweig discloses a method of selling an item, comprising:

receiving instruction information at a robot including information pertaining to manipulating a selected object to place the object in at least one of a variety of directional orientations,

said instruction information including information pertaining to obtaining an image according to said manipulating; and

receiving a purchase instruction based on an evaluation resulting from inspection of said object as said object appears in said image (See response to claims 1 and 3 above).

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ho and Zweig as applied to claim 1 above, and further in view of Van Kommer (6,584,376).**

**In regards to claim 18**, the combination of Ho and Zweig substantially discloses and teaches the applicant's invention. While the combination does disclose interacting with a robot with a camera via a web interface, the references do not specifically disclose a method, further comprising: if a voice request is received, outputting to said

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robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time.

On the other hand and regarding claim 18, Van Kommer teaches a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time (see at least Abstract and claim 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Robot and Zweig with the method of Van Kommer to have enabled a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time – in order to provide voice interface too. The combination of Ho and Zweig disclose a method of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal, outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image

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information of the selected article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot. Van Kommer teaches a method further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop in real time.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3,5,7-9,11-14,16-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**  
or faxed to:

**571-273-8300** [Official communications; including  
After Final communications labeled  
"Box AF"]

For general questions the receptionist can be reached at

**571.272.3600**

Information regarding the status of an application may be obtained from the

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Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'MADOK', with a stylized flourish extending to the right.

Mark Fadok

Primary Examiner